

REMARKS

Claims 1-21 are pending in the application. Claims 1-21 have been variously rejected under 35 U.S.C. § 103. No new matter has been added to the claims or prosecution of this application. For at least the reasons stated below, Applicant asserts that all claims are now in condition for allowance.

A. Existing Claims

Claims 1-2, 6-9, 13-16, and 20-21 have been rejected under 35 U.S.C. § 103 as being unpatentable over *Sheflott* (US Patent 5,802,493) in view of *Tibbets* (US Patent 6,158,044) and further in view of *Flores* (US Patent 6,073,109). Claims 3-5, 10-12, and 17-19 have been rejected under 35 U.S.C. § 103 as being unpatentable over *Sheflott* in view of *Tibbets* and further in view of *Flores* and further in view of *Elance.com* (1999). Applicant respectfully opposes these rejections.

B. Claims 1, 8 and 15

MPEP 2143 provides in part, "To establish a prima facie case of obviousness...the prior art reference...must teach or suggest all the claim limitations." (emphasis added). In Applicant's independent claims 1, 8 and 15, the cited references, either alone or in combination, fail to teach all of the claim elements. As discussed below, several elements of claims 1, 8 and 15 are not disclosed by any of the cited references. Therefore, Applicant respectfully requests that the Examiner's §103 rejections be withdrawn.

Applicant's invention provides an information portal which allows parties to obtain information about each other prior to collaboration within a contract manufacturing framework. This information portal communicates information concerning service provider services and capabilities to manufacturers looking for such services and capabilities. Therefore, manufacturers can search for and obtain information on service providers that offer the specific services and products they are looking for.

The Examiner states that the cited references together teach providing an information portal within a contract manufacturing framework, and asserts numerous

passages in *Sheflott*, *Flores* and *Tibbetts* disclosing the elements of Applicant's claims. However, several elements of Applicant's claims 1, 8 and 15 are not disclosed in any of the passages or in any of the cited references.

The Examiner cites the following passages and figures from *Sheflott* against claims 1, 8 and 15: Abstract; Figures 1, 3 and 4; col. 6, lines 55-62; col. 6, lines 32-52; col. 6 line 62 to col. 7 line 3; col. 7, lines 15-67; and col. 23, lines 22-30. Together, these passages disclose a system for generating a document in response to a request for information, for example a request by an insurance company to determine the location of physicians with a target company's roster of employee addresses. Such a request might be issued for determining an insurance company's provider coverage and product adequacy for the addresses, or for analyzing the saturation of doctor and care locations for the addresses.

Applicant's claims disclose that each service provider data structure includes a description of a particular service provider. None of the cited references disclose this feature. Applicant's claims also disclose that the database further includes a plurality of links to information. Users may, in addition to obtaining a description of a service provider, access additional information using the plurality of links to perform a number of collaborative tasks within the contract manufacturing framework. This feature is not disclosed in any of the cited references.

In addition to the absence of the description of a particular service provider and links to information features of Applicant's claims in the cited references, none of these passages disclose identifying a particular service provider data structure based upon request data, or identifying a particular link based on the request data. The references also do not disclose sending the identified service provider data structure and the identified link to the user.

An additional feature of Applicant's claims not disclosed anywhere in the cited references is allowing the user to obtain additional information using the identified links. This feature allows a user to obtain additional information about a prospective manufacturer. The user may also use such links to access information which assists in

managing collaboration between the service provider and the manufacturer. Information in this regard may include, but is not limited to, determining the status of delivery of supplies to a manufacturer, submitting an order to a manufacturer, and tracking completion of an order. None of the cited passages and figures, and none of the cited references, disclose this feature of allowing access to additional information using the identified links.

Also regarding claims 1, 8 and 15, the Examiner asserts that *Sheflott* teaches allowing the user access to technical services concerning services provided by service providers utilizing the database. The Examiner also asserts that *Flores* teaches providing transaction services to users, and that *Tibbetts* teaches utilizing a request for proposal mechanism. However, none of these are elements of Applicant's claims, and therefore they cannot be combined with *Sheflott* to teach all of the elements of Applicant's claims. Under In Re Lee, 61 USPQ2d 1430, there must be evidence of the showing of a suggestion, teaching or motivation to combine the state of the art including what might be considered basic knowledge or common sense to combine or modify references. No such suggestion is present here in any the references cited by the Examiner. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 103 be withdrawn. Applicant therefore submits that claims 1, 8 and 15 are in condition for allowance as presently written.

C. Claims 2, 9 and 16

The Examiner states that *Sheflott* teaches that matching a user to a service provider includes optimization services at FIG. 3, reference numerals 90, 100 and 101. However, Applicant's claims disclose that the service provider data structures include data concerning contract service providers. Applicant respectfully submits that claims 2, 9 and 16 do not disclose that matching a user to a service provider includes optimization services, and that therefore FIG. 3 of *Sheflott* does not teach or suggest the elements of claims 2, 9 and 16.

Furthermore, Applicant notes that claims 2, 9 and 16 depend from independent claims 1, 8 and 15 respectively. As discussed above, these claims are allowable as presently written. Therefore, claims 2, 9 and 16, which depend therefrom, are also allowable.

Accordingly, not all of the elements of claims 2, 9 and 16 are taught by the references cited. Applicant respectfully requests that the rejection of claims 2, 9 and 16 under 35 U.S.C. § 103 be withdrawn.

D. Claims 3, 10 and 17

Applicant notes that claims 3, 10 and 17 depend from independent claims 1, 8 and 15 respectively. As discussed above, these claims are allowable as presently written.

Accordingly, the references cited, either alone or in combination do not teach or suggest all of the elements of claims 3, 10 and 17. Applicant therefore respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn.

E. Claims 4, 11 and 18

Applicant notes that claims 4, 11 and 18 depend from independent claims 1, 8 and 15 respectively. As discussed above, these claims are allowable as presently written.

Accordingly, the references cited, either alone or in combination do not teach or suggest all of the elements of claims 4, 11 and 18. Applicant therefore respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn.

F. Claims 5, 12 and 19

Applicant notes that claims 5, 12 and 19 depend from independent claims 1, 8 and 15 respectively. As discussed above, these claims are allowable as presently written.

Accordingly, the references cited, either alone or in combination do not teach or suggest all of the elements of claims 5, 12 and 19. Applicant therefore respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn.

G. Claims 6, 13 and 20

The Examiner asserts that *Sheflott* teaches accessing a database utilizing a network at col. 8, line 63 to col. 9, line 32, and FIG. 3 and FIG. 6. However, nothing in these figures or passages teaches or suggests accessing a database utilizing a network. *Sheflott* only teaches that a database resides on a file server operating in a local area network (col. 8,

lines 63-66). However, this is not equivalent to Applicant's use of a network to access a database.

Furthermore, Applicant notes that claims 6, 13 and 20 depend from the independent claims 1, 8 and 15 respectively. As discussed above, these claims are allowable as presently written. Therefore, claims 6, 13 and 20, which depend therefrom, are also allowable.

Therefore, *Sheflott* does not teach all of the elements of claims 6, 13 and 20. Applicant respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn, and submits that these claims are in condition for allowance.

H. Claims 14 and 21

The Examiner asserts that *Sheflott* teaches that the network is the Internet at col. 21, lines 10-25, and FIG. 15, reference numeral 312. However, nothing in these Figures or passages teaches or suggests the use of the Internet. *Sheflott* only teaches a device which acts to receive electronic mail. However, the Internet is not a device, nor can it receive electronic mail by itself.

Furthermore, Applicant notes that claims 14 and 21 depend from the independent claims 8 and 15 respectively. As discussed above, these claims are allowable as presently written. Therefore, claims 14 and 21, which depend therefrom, are also allowable.

Therefore, *Sheflott* does not teach all of the elements of claims 14 and 21. Applicant respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn, and submits that these claims are in condition for allowance.

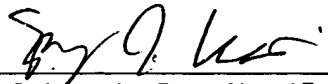
CONCLUSION

Applicant submits that all pending claims are allowable and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 310-788-5055.

If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference 60021-358401).

Respectfully submitted,

Dated: September 11, 2002



Spyros J. Lazaris, Reg. No. 45,981
Customer No. 29838

OPPENHEIMER WOLFF & DONNELLY LLP
1400 Page Mill Road
Palo Alto, CA 94304
Phone: 650-320-4000
Fax: 650-320-4100
E-mail: slazaris@oppenheimer.com

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE TITLE:

[SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR] AN INFORMATION PORTAL IN A
CONTRACT MANUFACTURING FRAMEWORK